



Appeal Decision

Site visit made on 19 July 2025

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Appeal Ref: APP/W4223/D/25/3365090

19 Overdale Close, Oldham OL1 2JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Abjal Hussain against the decision of Oldham Metropolitan Borough Council.
 - The application Ref is HOU/353815/24.
 - The development proposed is the excavation of grass embankment, followed by the erection of retaining walls to make way for a standalone garage at the front of the premises.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the proposed development on the character and appearance of the appeal property and the surrounding area and secondly, its effect on highway safety.

Reasons

3. The proposal relates to a house standing at the end of a cul-de-sac on a relatively new residential estate. The appeal site extends across the rear of the turning head of Overdale Close, forming a projection beyond the general front boundary line of the neighbouring front gardens. The front garden of the property is bounded by a fence and a sloping embankment. They separate Overdale Close from the rear gardens of houses on Woodend Street which are at a significantly higher ground level and step up in height. It is proposed to excavate the embankment to form level ground enclosed by new retaining walls. A garage would be constructed on the newly levelled area, and it would stand behind the turning head.
4. The existing bank and fencing are a type of environment commonly found on cul-de-sacs in housing estates with undulating ground levels. It provides a green and relatively open aspect. The side wall of the garage would face onto the road and would be visible along the length of the Close. Its solid and substantial appearance would appear as an incongruous structure in this location and would not relate to the built form of the Close. Moreover, there would be no obvious visual or functional link with the appeal property. Notwithstanding that part of the fence is poorly maintained, I conclude that the proposed structure would contrast starkly and unacceptably with the existing character of the end of the cul-de-sac. I have had regard to the wider context, including the presence of the higher houses at the rear

which would form a built-up backdrop to the garage in longer views. However, this factor does not affect my conclusion.

5. Accordingly, the proposed development would be contrary to Policy JP-P1 of the Places for Everyone Plan (2024), which in summary, and of relevance to the appeal proposal, requires new development to protect visual amenities. There would be further conflict with the environmental requirements set out in the National Planning Policy Framework (the Framework).
6. In terms of the highway impact of the proposal, the evidence indicates that a vehicle would enter the site in forward gear, pass along the drive and then reverse into the garage. When leaving, this would enable the vehicle to turn across the frontage in order to leave in forward gear. Even if the use of the garage were to require a car to enter or leave the site in reverse gear, this would be no different to the way in which the drive and other drives in the road are currently accessed. Furthermore, having regard to its location at the end of a short residential cul-de-sac and the absence of any through traffic, I am not convinced by the Council's evidence that the use of the proposed garage would cause highway safety issues or affect traffic flow as suggested.
7. I therefore conclude that there would be no conflict with Policy 9 of the Oldham Local Plan, the aims and objectives of the Council's Light Duty Vehicle Crossing Policy or the Framework. This conclusion does not however outweigh the harm to visual amenities I have identified.
8. For the reasons set out above, and having taken all other matters raised into account, the appeal should be dismissed.

Elaine Benson

INSPECTOR